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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,375	02/20/2004	Joseph J. Kubler	14364US20	2406
23446 7590 02/21/2008 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER JONES, PRENELL P	
			ART UNIT 2619	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/783,375

Applicant(s)

KUBLER ET AL.

Examiner

Prenell P. Jones

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-42 and 44-66 is/are rejected.
- 7) ☐ Claim(s) 43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :8/23/07,10/23/06,11/16/06,6/23/06,5/09/06.

Claim Objections

1. Claims 22-33 and 44-54 are objected to because of the following informalities:

Regarding independent claim 22 & 44 and dependent claim 45 & 54, Applicant is claiming "**capable**," which render limitations following to be optional. Appropriate correction is required. Claims 23-33 depend on claim 22 and claims 46-53 depend on claim 44, therefore, claims 23-33 and 46-53 are objected to as well.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 55-66 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 55-66, Applicant is claiming "**machine readable storage**," which is not described in the specification.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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2. Claims 22-33 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. ***Applicant is claiming "a signal transmission system that includes a processor", wherein the processor is defined as being capable, which could actually be any referring to any processor (Fed. Cir. 1983) (A single means claim, which covered every conceivable*** means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to Hyatt is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 22-27 and 55-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Campbell et. al. (US Pat 5,499,287).

Regarding claim 22, 25, 55, and 58, Campbell discloses managing incoming telephone calls with respect to telephone line/conventional and modem line that accommodate communications (first/second communication link which is analogous to incoming telephone line and the telephone headset), the types of calls that are determined/identified include fax, data and voice (Abstract, Fig. 3, col. 3, line 45-51, col. 4, line 53-65), wherein the type of call is detected/identified by the call detector (106) which includes a DSP/processor enabling the identification of fax, data and voice calls, and processing of calls with respect to associated call identification protocol (col. 5, line 17-42, col. 4, line 58-65), and the identified voice call are combined between headset and telephone line (col. 4, line 10-22, voice prompt is detected, assuming incoming call is voice, thereby caller is instructed to stay on telephone line (line 101), which is connected to the headset.

Regarding claim 23, 24, 56 and 57, Campbell further discloses a first communication link accommodating analog/modem and telephone line/conventional telephone line (col. 2, line 48-67).

Regarding claim 25, Campbell further discloses monitoring call signals, and identifying incoming Calls voice Calls if the call is not compliant with a FAX (col. 4, line 1-36).

Regarding claim 26, 27, 59 and 60, Campbell further discloses utilization of A/D-D/A conversion as associated with voice signals, and accommodations for conventional telephone (col. 5, line 42-66).

Regarding claim 44, Campbell further discloses the interface circuitry coupled indirectly to host/CPU with combination of FAX /data modem, wherein software is utilized to implement various protocols needed for the

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 34-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al (US Pat 5,499,287) in view of Lautenschlager et al (US PGPUB 20030174695).

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Regarding claim 34, 37, 38 and 40, as indicated above, Campbell discloses managing incoming telephone calls with respect to telephone line/conventional and modem line that accommodate communications (first/second communication link which is analogous to incoming telephone line and the telephone headset), the types of calls that are determined/identified include fax, data and voice (Abstract, Fig. 3, col. 3, line 45-51, col. 4, line 53-65), wherein the type of call is detected/identified by the call detector (106) which includes a DSP/processor enabling the identification of fax, data and voice calls, and processing of calls with respect to associated call identification protocol.

Although Campbell teaches detecting voice calls and sending ring signals to a voice telephone handset, in addition to utilizing a off-hook detector (Abstract, Fig. 3, col. 2, line 48 thru col. 3, line 5, col. 3, line 35-55, receiving call via communication network, detect voice call, sending ring signal to a voice telephone device, detect off-hook condition), Campbell fails to teach or disclose detecting voice calls in a packet environment (packet voice calls).

In communications architecture, Lautenschlager discloses monitoring calls, wherein call types are determined for call control in a multimedia environment which includes VOIP/voice over TCP/IP (Abstract, paragraph 0101-0103).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to be motivated to implement detecting voice calls in a packet environment as taught by Lautenschlager with the teachings of Campbell for the purpose of expanding user's choice or utilization of communication servers in a multi-service environment.

Regarding claim 35 and 39 Campbell further discloses a first communication link accommodating analog/modem and telephone line/conventional telephone line (col. 2, line 48-67).

Regarding claim 36 and 41, Campbell further discloses utilization of A/D-D/A conversion as associated with voice signals, and accommodations for conventional telephone (col. 5, line 42-66).

9. Claims 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al (US Pat 5,499,287) in view of Lautenschlager et al (US PGPUB 20030174695) as applied to claim 41 above, and further in view of Schiffman (US Pat. 3,786,195).

Regarding claim 42, as indicated above, combined Campbell and Lautenschlager discloses (Campbell) reproducing systems whereby the reproducing of signals include managing incoming telephone calls with respect to telephone line/conventional and modem line that accommodate communications (first/second communication link which is analogous to incoming telephone line and the telephone headset), A/D and D/A conversion, the types of calls that are determined/identified include fax, data and voice (Abstract, Fig. 3, col. 3, line 45-51, col. 4, line 53-65), wherein the type of call is detected/identified by the call detector (106) which includes a DSP/processor enabling the identification of fax, data and voice calls, and processing of calls with respect to associated call identification protocol, and (Lautenschlager) detecting and monitoring voice calls in a packet environment (packet voice calls), wherein call types are

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determined for call control in a multimedia environment which includes VOIP/voice over TCP/IP (Abstract, paragraph 0101-0103).

Neither Campbell and Lautenschlager fail to teach or suggest buffering to minimize gaps in resulting analog signals due to delay.

However, in another reproduction communication environment wherein sound is being reproduced, Schiffman discloses speech compression wherein digital/analog and analog/digital conversion is utilized in sound reproduction, wherein filtering is utilized at particular time cycles as to minimize gap effect associated with audio reproduction characteristics (Figs. 19 and 20, col. 11, line 37 thru col. 12, line 53, col. 21, line 16-50, buffering digital signals for a period of time in order to minimize gaps in resulting analog representation).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement buffering to minimize gaps in resulting analog signals due to delay as taught by Schiffman with the combined teachings of Campbell and Lautenschlager for the purpose of producing smooth transition of signal reproduction as well as minimizing noise/interference.

Allowable Subject Matter

10. Claims 43 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: The prior art fail to teach or suggest fairly with respect to claim 43, refraining from reducing the quantity of information transmitted via the communication network, if voice activity is determined not to be below the predetermined level.

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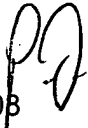
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

February 19, 2008


2/19/08
WING CHAN
SUPERVISORY PATENT EXAMINER